

SENATE BILL REPORT

SB 5863

As of February 4, 2009

Title: An act relating to the termination of wireless communications device services.

Brief Description: Concerning the termination of wireless communications device services.

Sponsors: Senators Tom, Pridemore and Keiser.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/05/09.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Alison Mendiola (786-7483)

Background: Under the Federal Telecommunications Act (47 U.S.C. § 332(c)(3)(A)), the federal government has the exclusive authority to regulate cellular (or wireless) service providers' rates and entry into the market. However, individual states are expressly reserved the right to regulate the terms and conditions of cell phone services.

Authority to regulate wireless service providers on the federal level is delegated to the Federal Communications Commission.

The Washington State Office of the Attorney General (AG) receives consumer complaints for a number of issues, including issues related to cell phones and wireless service providers. In 2008 the AG received 1,728 complaints in the communications category, which includes cell phones and wireless service providers. This category received the highest number of complaints during the last eight years.

Summary of Bill: Upon the termination of a wireless communications device service, if the consumer-requested cancellation date and the billing cycle end dates are not the same, the wireless communications device service ends and is billed at the earlier of the two dates.

"Cancellation date" means (1) the date a wireless communications device contract ends, or (2) the date a consumer requests to cancel the wireless communications device service if there is no contract in force at the time of the request.

A violation of these provisions is a violation of the Consumer Protection Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: None.

Effective Date: Ninety days after adjournment of session in which bill is passed.